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Counsel for Defendant
R.R. STREET & CO. INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KFD ENTERPRISES, INC., a California
corporation dba Norman's Dry Cleaner,

Plaintiff,

v.

CITY OF EUREKA, et al.,

Defendants.

AND ALL RELATED CROSS-CLAIMS
AND THIRD-PARTY CLAIMS.

) No. 3:08-cv-04571-MMC

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**STIPULATED REQUEST FOR
VOLUNTARY DISMISSAL WITH
PREJUDICE OF THIRD-PARTY
DEFENDANT WINZLER & KELLY'S
ENTIRE CROSS-CLAIM AGAINST
DEFENDANT R.R. STREET & CO. INC.
[Fed. R. Civ. P. 41(a)(2), (c); Civil L.R. 7-12]**

Courtroom: 7 (19th Floor)
Judge: Hon. Maxine M. Chesney

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Civil L.R. 7-12, Third-Party Defendant Winzler & Kelly ("Winzler") and Defendant R.R. Street & Co. Inc. ("Street") hereby stipulate and respectfully request judicial action as follows:

WHEREAS, Winzler has asserted and prosecuted within this action a cross-claim against Street, among other parties;

WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(2)—as made applicable by Rule 41(c)—Winzler now desires to dismiss with prejudice its entire cross-claim, and all claims encompassed therein, against Street, while continuing its cross-claim against the other parties named therein, *cf. Hells Canyon Preservation Council v. United States Forest Service*, 403 F.3d 683, 687 (9th Cir. 2005) (observing that Rule 41(a) “allow[s] the dismissal of *all* claims against *one* defendant, so that a defendant may be dismissed from the entire action”); and

WHEREAS, Winzler and Street agree that each party will bear its own costs and attorneys’ fees with respect to Winzler’s cross-claim against Street;

THEREFORE, the parties hereto stipulate and respectfully request that this Court enter an order dismissing with prejudice Winzler’s entire cross-claim, and all claims encompassed therein, against Street only, each party to bear its own costs and attorneys’ fees.

Dated: October 24, 2011.

Respectfully submitted,

/s/ Eric Grant

Eric Grant

John B. Thomas

Jay N. Gross

Hicks Thomas LLP

Counsel for Defendant

R.R. STREET & CO. INC.

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatory below.)

SEVERSON & WERSON


A Professional Corporation

By: /s/ Peter C. Lyon
PETER C. LYON

Attorneys for Third-Party Defendant
WINZLER & KELLY

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 26, 2011.


Hon. MAXINE M. CHESNEY
United States District Judge